

## **Request for Reconsideration of Requirement**

In response to the Election/Restriction communication of 10/02/2008, Applicant hereby requests reconsideration of the election/restriction requirement in accordance with 37 CFR 1.143 for the reasons detailed below.

The Examiner has cited a reference Schuh et al. (Journal of Biological Chemistry, July 2, 2004, Vol. 279, No. 27, pgs. 28220-28226, cited by applicant and filed on an IDS 1449)<sup>1</sup> as prior art and thus the basis for the election/restriction requirement. Applicant submits herewith a certified English translation of the German application as filed on 3 July 2003 to which Applicant has claimed priority.

Applicant submits that the German application predates Schuh et al. and thus Schuh et al. may not serve as prior art. Applicant further submits that the claims as submitted relate to a single general inventive concept under PCT Rule 13.1 and thus requests rescission of the election/restriction requirement.

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<sup>1</sup> Applicant notes for the record that the IDS submitted was based on the ISR which noted the date of the Schuh et al. reference publication as 2 July 2004 which was a publication date. However, there was a publication on April 12, 2004 in the JBC Papers in Press. Applicant apologizes for any confusion.

### **Response to Election/Restriction**

In response to the Election/Restriction communication of 10/02/2008, Applicant hereby makes a **provisional** election of Group I, claims 14-22. Applicant provisionally withdraws claim 23 without prejudice.

## CONCLUSION

Applicant respectfully submits that all claims are in condition for allowance and requests such.

Communication via cleartext email is authorized.

Respectfully submitted,

Heimlich Law

10/16/2008

/Alan Heimlich/

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Date

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